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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,191	02/06/2002	Keisuke Kanatani	A-420	8155
7590 09/23/2005			EXAMINER	
Dellett and Walters 310 S W Fourth Avenue Suite 1101 Portland, OR 97204			ABDI, KAMBIZ	
			ART UNIT	PAPER NUMBER
			3621	
DATE MAILED: 09/23/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/049,191

Applicant(s)

KANATANI ET AL.

Examiner

Kambiz Abdi

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The prior office actions are incorporated herein by reference. In particular, the observations with respect to claim language, and response to previously presented arguments.

- Claim 1 is amended.
- No claim canceled.
- Claims 3-5 are added
- Claims 1-5 have been considered.

### ***Claim Objections***

2. The applicant has claimed a system in both claims 1 and 4 that indicate an amendment and new claims, which contain phrase "to be...". It should be pointed out that such phrase does not further the limitation of the claims as it makes the claims conditional and based on a future possible use not a positive recitation of the limitation. Examiner suggests to remove the phrase "to be" from the claims.

3. Additionally, applicant's amended claim 1, contains phrase "an option to select...", which renders the limitation to be optional and not a positive recitation of the limitation. Examiner suggest to removing of the phrase.

4. Furthermore, the applicant has claimed a system claim in claim 1, therefore, the actions of the user (here "purchaser") does not further limit the claim.

### ***Response to Amendment***

Applicant's arguments filed 18 April 2003 have been fully considered but they are not persuasive as well as they are moot in view of the new ground(s) of rejection.

Applicant's arguments are not persuasive for the following reasons:

5. In response to applicant's argument regarding claims 1 and 2 that the reference fails to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., photomask manufacturing) are not recited in the rejected claim(s). Although the claims are interpreted in

Art Unit: 3621

light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

6. As for the Hanzek reference it clearly teaches the concept, method, and system of an online ordering of products and tracking the status of such order. The Hanzek reference clearly teaches the system and method for the purchaser to configure a product and placing such configured product as an order and tracking of the status of such order online. (See Hanzek column 2, lines 59-64, column 3, lines 9-18, and column 3, line 61- column 4, line 5).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6, 654,726 to Joe J. Hanzek in view of U.S. Patent No. Re. 31,239 to Jerome H. Lemelson et al.

8. (Amended) As per claim 1, Hanzek clearly discloses a manufacturing status indicating system, comprising a host system for turning data to database and for placing the data under control and storing data, said data being related to ordered products as inputted by an order receiving control system, a manufacture control system, and a process control system; and a server for preparing pages to indicate information to be offered to a purchaser based on said database (See Hanzek abstract, column 3, lines 9-18, 32-42, column 3, line 61-column 4, line 10, column 7, lines 46-53, column 9, lines 3-16 and lines 28-34, and column 12, lines 54-68). What does Hanzek not explicitly disclose is provision of providing the purchaser with a visual presentation of the product during the manufacturing process.

Art Unit: 3621

However, Lemelson clearly teaches such presentation of visual images of such ordered products by the purchaser while the manufactured product is in process (See Lemelson column 6, line 62- column 7, line 17).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to add the Lemelson's presentation of visual images of in process manufacturing of ordered items to a purchaser to the system and method of the Hanzek reference for further convenience of the purchaser.

9. (Original) As per claim 2, Hanzek clearly discloses a manufacturing status indicating system according to claim 1, wherein said server is provided with authorization function to recognize an authorization key, and, when access is made from the browser device by using the authorization key, the server generates an information to be offered to a browser device as a home page based on elements contained in the authorization key (See Hanzek abstract, column 3, lines 9-18, 32-42, column 3, line 61- column 4, line 10, column 7, lines 46-53, column 9, lines 3-16 and lines 28-34, and column 12, lines 54-68).

10. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6, 654,726 to Joe J. Hanzek in view of U.S. Patent No. Re. 31,239 to Jerome H. Lemelson et al. as applied to claim 1 above, and further in view of U.S. Patent No. 6,221,538 to David Kerazkowski et al.

11. (New) As per claim 3, Hanzek and Lemelson disclose all the limitations of claim 1, What is not disclosed is the system comprises a photomask manufacturing status indication system, for indication status of one or more photomasks being manufactured for the purchaser to the purchaser's specifications. However, the Kerazkowski reference clearly discloses the automation of ordering of manufacturing of photomasks and tracking of the manufacturing status of such photomask order (See Kerazkowski figure 2, element 42, 47, 59, and figure 3, elements 74, 76, and 77, column 4, lines 36-54). Therefore, it would have been obvious to one having ordinary skill in the art at the time the current

Art Unit: 3621

invention was made to combine the teachings of Hanzek, Lemelson, and Kerazkowski to achieve a more efficient process and control over the manufacturing of the photomasks.

12. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,654,726 to Joe J. Hanzek in view of U.S. Patent No. 6,221,538 to David Kerazkowski et al.

13. (New) As per claim 4, Hanzek clearly discloses a manufacturing status indicating system, comprising a host system for turning data to database and for placing the data under control and storing data, said data being related to one or more ordered as inputted by an order receiving control system, a manufacture control system, and process control system and preparing pages to indicate information to be offered to purchaser of said one or more based on said database (See Hanzek abstract, column 3, lines 9-18, 32-42, column 3, line 61-column 4, line 10, column 7, lines 46-53, column 9, lines 3-16 and lines 28-34, and column 12, lines 54-68); and

What Hanzek does not specifically disclose is the manufactured item is a photomask. However, Kerazkowski is clear on the system and method of order of manufacturing photomasks for fabrication of semiconductor devices. (See Kerazkowski figure 2, element 42, 47, 59, and figure 3, elements 74, 76, and 77, column 1, lines 44-60, column 2, lines 47-66, column 4, lines 36-55)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to combine the teachings of Hanzek and Kerazkowski to achieve the higher efficiency and production control of the manufacturing of items such as photomasks.

14. (New) As per claim 5, Hanzek and Kerazkowski clearly disclose all the limitations of claim 4, further Hanzek discloses an authorization function to recognize and authorization key, and, when access is made from the browser device by using the authorization key, the server generates an information to offered to a browser device as a home page based on elements contained in the authorization key (See Hanzek column 3, lines 32-42, column 3, line 60- column 4, line 5).

Art Unit: 3621

15. Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

### ***Conclusion***

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

17. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

18. Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the examiner should be directed to **Kambiz Abdi** whose telephone number is **(571) 272-6702**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James Trammell** can be reached at **(571) 272-6712**.

1. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through

Art Unit: 3621

Private PAIR only. For more information about the PAIR system, see

**<http://portal.uspto.gov/external/portal/pair>.**

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks  
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or faxed to:

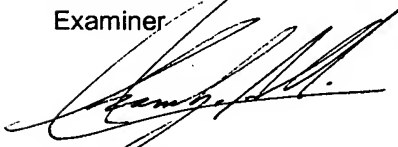
**(571) 273-8300** [Official communications; including After Final communications labeled "Box AF"]

**(571) 273-6702** [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the Examiner in the

**Knox Building, 50 Dulany St. Alexandria, VA.**

**Kambiz Abdi**  
Examiner

A handwritten signature in black ink, appearing to read 'Kambiz Abdi', is written over the printed name and title.

**September 16, 2005**